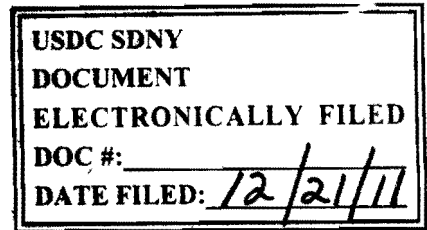


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, *et al.*,

Plaintiffs,

— against —

TIMBERLINE INTERIORS, INC.,

Defendant.

10 Civ. 04771 (RJH)

ORDER

RICHARD J. HOLWELL, *District Judge:*

On September 29, 2010, the Court granted the motion of the plaintiffs (the “Funds”) for a default judgment against defendant Timberline Interiors Inc. (“Timberline”). After the Court referred the matter for an inquest on damages, on August 23, 2010, Magistrate Judge Michael H. Dolinger issued a Report and Recommendation (“Report”) recommending that the Court enter judgment for the Funds against Timberline, ordering Timberline to (1) permit and facilitate the Funds in conducting an audit of its books and records to determine whether it was in compliance with its contribution obligations for the period relevant to this dispute; (2) pay the Funds \$2,350.00 in arbitration fees and costs plus 5.25% in prejudgment interest from the date of the arbitration award; and (3) pay the Funds \$3,893.28 in litigation fees and costs. Timberline, which did not comply with the arbitrator’s decision and has failed to appear, answer, or plead in this action, filed no objections to the Report.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the Findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise objections to the magistrate judge’s report

and recommendation, but they must be “specific,” “written,” and submitted “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2); *accord* 28 U.S.C. § 636(b)(1)(C). A district court must conduct a *de novo* review of those portions of the report or specified proposed findings or recommendations to which timely objections are made. 28 U.S.C. § 636(b)(1)(C); *see* Fed.R.Civ.P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.”). The district court may adopt those portions of a report and recommendation to which no timely objections have been made, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985); Fed.R.Civ.P. 72 advisory committee's note (b).

The Court has reviewed Magistrate Judge Dolinger’s Report and finds no clear error on the face of the record. It is therefore hereby ORDERED AND ADJUDGED:

1. The Report is ADOPTED in its entirety.
2. Pursuant to Magistrate Judge Dolinger’s Report, the plaintiffs are awarded (1) \$2,350 in arbitration fees and costs plus 5.25% in prejudgment interest, to be calculated by the Clerk of Court, dating from the date of the award—December 21, 2009; and (2) \$3,893.28 in litigation fees and costs. Timberline is further ordered to permit and facilitate the Funds in conducting an audit of its books and records to determine whether it was in compliance with its contribution obligations for the period relevant to this dispute.
3. The Clerk of the Court is requested to close this case.

SO ORDERED.

Dated: New York, New York
December 14, 2011

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line that ends in a small upward tick.

Richard J. Holwell
United States District Judge